

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-11731

Emilio Ramos

v.

United States of America

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**CLERK'S CERTIFICATE**

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 7/6/05.

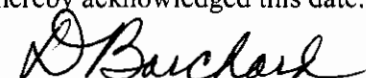
In testimony whereof, I hereunto set my hand and affix the seal of this Court on July 18, 2005.

Sarah A. Thornton, Clerk of Court

By: 

Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 7/18/05.

  
Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11731-DPW**

Ramos v. United States of America  
Assigned to: Judge Douglas P. Woodlock  
Cause: 28:2255 Motion to Vacate / Correct  
Illegal Sentenc

Date Filed: 08/04/2004  
Jury Demand: None  
Nature of Suit: 510 Prisoner:  
Vacate Sentence  
Jurisdiction: U.S. Government  
Defendant

**Petitioner**

**Emilio Ramos**

represented by **Roger A. Cox**  
Cox & Cox  
30 Main Street  
Ashland, MA 01721  
508-231-1460  
Fax: 508-231-1405  
Email:  
coxcox@bellatlantic.net  
*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

V.

**Respondent**

**United States of America**

represented by **Robert L. Peabody**  
United States Attorney's  
Office  
1 Courthouse Way  
Suite 9200  
Boston, MA 02210  
617-748-3240

Fax: 617-748-3965  
**ATTORNEY TO BE  
 NOTICED**

**Neil J. Gallagher, Jr.**  
 United States Attorney's  
 Office  
 John Joseph Moakley U.S.  
 Courthouse  
 1 Courthouse Way, Suite  
 9200  
 Boston, MA 02210  
 617-748-3397  
 Email:  
 neil.gallagher@usdoj.gov  
**ATTORNEY TO BE  
 NOTICED**

**Interested Party**

**Elizabeth Prevett**

represented by **Elizabeth L. Prevett**  
 Federal Defender's Office  
 408 Atlantic Ave.  
 Third Floor  
 Boston, MA 02210  
 617-223-8061  
 Fax: 617-233-8080  
 Email: liz\_prevett@fd.org  
**LEAD ATTORNEY  
 ATTORNEY TO BE  
 NOTICED**

Date Filed	#	Docket Text
08/04/2004	<u>1</u>	MOTION for Leave to Proceed in forma pauperis by Emilio Ramos.(Jenness, Susan) (Entered: 08/06/2004)
08/04/2004	<u>2</u>	MOTION to Vacate, Set Aside or Correct Sentence

		(2255) , filed by Emilio Ramos.(Jenness, Susan) (Entered: 08/06/2004)
08/04/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Jenness, Susan) (Entered: 08/06/2004)
08/06/2004	•	Case undergoing preliminary screening (Jenness, Susan) (Entered: 08/06/2004)
10/13/2004	• <u>3</u>	MOTION for Extension of Time to 10/22/04 to File Response/Reply to Ramos' 2255 petition by United States of America.(Peabody, Robert) (Entered: 10/13/2004)
10/18/2004	•	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>3</u> Motion for Extension of Time to File Response/Reply re <u>3</u> MOTION for Extension of Time to 10/22/04 to File Response/Reply to Ramos' 2255 petition No further extensions. (Greenberg, Rebecca) (Entered: 10/18/2004)
10/28/2004	• <u>4</u>	Opposition to <u>2</u> Motion to Vacate/Set Aside/Correct Sentence (2255). (Barrette, Mark) (Entered: 11/17/2004)
12/02/2004	• <u>9</u>	Petitioner's request for leave of Court MOTION to Amend or reply to the government's opposition <u>4</u> Objection by Emilio Ramos.(Nici, Richard) (Entered: 12/27/2004)
12/13/2004	• <u>5</u>	Letter/request (non-motion) from Emilo Ramos. Mailed copy of all dockets. (Nici, Richard) (Entered: 12/14/2004)
12/21/2004	• <u>7</u>	Judge Douglas P. Woodlock : The application to proceed without prepayment of fees is denied as moot because there is no filing fee for a motion filed pursuant to 28 U.S.C. sec. 2255. (Greenberg, Rebecca) (Entered: 12/22/2004)

12/22/2004	• <u>96</u>	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered directing that the petitioner and his court appointed counsel in his first sec. 2255 motion (No. 98-11857-DPW), Elizabeth Prevett, separately file on or before January 7, 2005 affidavits or declarations under oath addressing the circumstances of the withdrawal of the motion in No. 98-11857-DPW, including whether, and if so when, the petitioner was consulted and authorized that step. (Woodlock, Douglas) (Entered: 12/22/2004)
12/27/2004	• <u>98</u>	NOTICE of Appearance by Neil J. Gallagher Jr. on behalf of United States of America (Gallagher, Neil) (Entered: 12/27/2004)
12/30/2004	• <u>10</u>	MOTION for Leave to File motion for ruling on waiver of Attorney-Client privilege in paper by Elizabeth Prevett.(Rynne, Michelle) (Entered: 01/06/2005)
12/30/2004	• <u>11</u>	MOTION for ruling on waiver of attorney-client privilege by Elizabeth Prevett.(Rynne, Michelle) (Entered: 01/06/2005)
01/06/2005	•	Judge Douglas P. Woodlock : ElectronicORDER entered granting <u>10</u> Motion for Leave to File motion for ruling on waiver of Attorney-Client privilege in paper. (Rynne, Michelle) (Entered: 01/06/2005)
01/06/2005	•	Judge Douglas P. Woodlock : ElectronicORDER entered granting <u>11</u> Motion for ruling on waiver of attorney-client privilege. Allowed, by placing the question of consultation with his counsel regarding appeal in issue, the petitioner has waived his privilege as to all communications touching upon that issue. (Rynne, Michelle) (Entered: 01/06/2005)
01/07/2005	• <u>12</u>	MOTION for Order <i>to Clarify</i> by Elizabeth Prevett. (Prevett, Elizabeth) (Entered: 01/07/2005)
01/10/2005	•	Judge Douglas P. Woodlock : ElectronicORDER

		entered granting <u>12</u> Motion for Order of clarification; ALLOWED, the court having determined the petitioner has waived his attorney-client privilege with respect to all communications touching on the issue whether counsel consulted with petitioner concerning the withdrawal of the 2255 in 98-11857. (Rynne, Michelle) (Entered: 01/10/2005)
01/12/2005	<u>13</u>	AFFIDAVIT of Elizabeth Prevett by Elizabeth Prevett. (Prevett, Elizabeth) (Entered: 01/12/2005)
02/03/2005	<u>14</u>	Letter/request for a copy of the Docket Sheet(non-motion) from Emilio Ramos. Mailed a copy to Mr. Ramos(Nici, Richard) (Entered: 02/08/2005)
02/08/2005	<u>15</u>	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered directing dismissal of this matter. (Woodlock, Douglas) (Entered: 02/08/2005)
02/08/2005	<u>16</u>	Judge Douglas P. Woodlock : ORDER entered. ORDER DISMISSING CASE.(Rynne, Michelle) (Entered: 02/08/2005)
02/08/2005	<u>17</u>	Judicial NOTICE Request by Emilio Ramos (Nici, Richard) (Entered: 02/10/2005)
02/18/2005	<u>18</u>	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) (Entered: 02/23/2005)
03/02/2005	<u>19</u>	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) (Entered: 03/09/2005)
03/02/2005	<u>20</u>	AFFIDAVIT of Emilio Ramos by Emilio Ramos. (Nici, Richard) (Entered: 03/09/2005)
03/17/2005	<u>21</u>	NOTICE of Change of Address by Emilio Ramos. Unscannable (Nici, Richard) (Entered: 03/23/2005)
04/21/2005	<u>22</u>	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) Modified on 4/22/2005 (Nici, Richard). Mailed a copy of the docket to Mr. Emilio Ramos 4/22/05. (Entered: 04/22/2005)

05/03/2005	●	NOTICE of Hearing:Status Conference re: 2255 Petition set for 6/2/2005 02:30 PM in Courtroom 1 before Judge Douglas P. Woodlock. Status report due 5/26/05. (See also related cases CA 98-11857-DPW and CR 93-10253-DPW)(Rynne, Michelle) (Entered: 05/03/2005)
05/03/2005	●23	Writ of Habeas Corpus ad Prosequendum Issued re: Emilio Ramos for 6/2/05. (Rynne, Michelle) (Entered: 05/03/2005)
05/13/2005	●24	MOTION to Continue Hearing to 06/06/05 by United States of America.(Gallagher, Neil) (Entered: 05/13/2005)
05/16/2005	●	Judge Douglas P. Woodlock : Electronic ORDER entered granting 24 Motion to Continue. Status conference reset to 6/6/05 at 2:30 p.m. (Rynne, Michelle) (Entered: 05/16/2005)
05/16/2005	●25	Writ of Habeas Corpus ad Prosequendum Issued for 6/6/05. (Rynne, Michelle) (Entered: 05/16/2005)
05/16/2005	●26	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) Additional attachment(s) added on 5/17/2005 (Nici, Richard). Additional attachment(s) added on 5/17/2005 (Nici, Richard). (Entered: 05/17/2005)
05/25/2005	●27	MOTION to Appoint Counsel by Emilio Ramos.(Nici, Richard) (Entered: 05/25/2005)
05/25/2005	●	Judge Douglas P. Woodlock : Electronic ORDER entered granting 27 Motion to Appoint Counsel. (Rynne, Michelle) (Entered: 05/26/2005)
05/25/2005	●28	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) (Entered: 05/26/2005)
05/31/2005	●29	Letter/request (non-motion)requesting a copy of the docket from Emilo Ramos. Letter is unreadable when scanned. Mailed copy to Mr. Ramos 6/2/05. (Nici,

		Richard) (Entered: 06/02/2005)
06/03/2005	30	Magistrate Judge Leo T. Sorokin : ORDER entered. CJA 20: Appointment of Attorney Roger A. Cox for Emilio Ramos (Simeone, Maria) (Entered: 06/03/2005)
06/06/2005		Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Evidentiary Hearing held on 6/6/2005. Plaintiff calls Emilio Ramos; Plaintiff rests; Government calls Elizabeth Prevett; Government rests. Court takes matter under advisement. Court advises US Deputy Marshal that Mr. Ramos may be returned to the Eastern District of New York. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 06/06/2005)
06/06/2005	32	Witness List by Emilio Ramos.. (Nici, Richard) (Entered: 06/08/2005)
06/07/2005	31	Letter/request (non-motion) from Emilio Ramos. (Nici, Richard) (Entered: 06/08/2005)
06/10/2005	33	Letter/request (non-motion) from Emilio Ramos. Mailed a copy of the docket to Mr. Ramos. (Nici, Richard) (Entered: 06/13/2005)
06/13/2005	34	TRANSCRIPT of Evidentiary Hearing held on June 6, 2005 before Judge Woodlock. Court Reporter: Pamela R. Owens. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter at 617/443-0008 or the Clerk's Office. (Scalfani, Deborah) (Entered: 06/13/2005)
06/13/2005	35	Judge Douglas P. Woodlock : MEMORANDUM AND ORDER entered finding no reason to disturb the judgment of dismissal previously entered. (Woodlock, Douglas) (Entered: 06/13/2005)
06/20/2005	36	Letter/request (non-motion) from Emilio Ramos.

		(Nici, Richard) (Entered: 06/21/2005)
06/27/2005	●	Mail Returned as Undeliverable. Mail resent to Emilio Ramos at new temporary address in Essex County. (Nici, Richard) (Entered: 06/28/2005)
06/29/2005	●37	Letter/requesting removal back to MDC Brooklyn, New York (non-motion) from Emilio Ramos. Unscannable (Nici, Richard) (Entered: 07/01/2005)
07/01/2005	●38	Letter/requesting a copy of evidentiary hearing transcripts (non-motion) from Emilio Ramos. (Nici, Richard) Modified on 7/1/2005 (Nici, Richard). Unscannable (Entered: 07/01/2005)
07/06/2005	●39	NOTICE OF APPEAL by Emilio Ramos. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Notice is unscannable. A copy has been forwarded to Jeanette Ramos. Appeal Record due by 7/26/2005. (Nici, Richard) (Entered: 07/06/2005)
07/07/2005	●	Mail Returned as Undeliverable. Mail resent to Emilio Ramos at Metropolitan Detention Center in Brooklyn, NY. (Nici, Richard) (Entered: 07/07/2005)